

# **INDIANA BOARD OF PHARMACY**

## **Indiana Professional Licensing Agency**

Conference Center Room W064  
402 W. Washington St.  
Indianapolis, IN 46204

**MINUTES OF November 10, 2008**

### **CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer William Cover called the meeting to order at 9:21 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

#### **Board Members Present:**

William Cover, R.Ph., President  
Del T. Fanning, R.Ph., Vice President  
Donna Wall, PharmD., R.Ph, Member  
Sara St. Angelo, PharmD, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Lora Williams, Consumer Member

#### **Board Members not in attendance:**

Steve Anderson, R.Ph., Member

#### **State Officials Present:**

Marty Allain, Board Director, Indiana Professional Licensing Agency  
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency  
Gordon White, Advisory Counsel

A motion was made and seconded to adopt the agenda.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to adopt the October 2008 Minutes.

**Wall/St. Angelo**

**Motion carried 6/0/0**

Compliance Officers presented their reports.

Charles L. Harness appeared before the board regarding his request to retake the NAPLEX. A motion was made and seconded to allow Harness to retake the NAPLEX.

**Landis/Wall**

**Motion carried 6/0/0**

Philip James Faroh appeared before the board regarding the transfer of his pharmacist license. The Board tabled the application to allow applicant the opportunity to secure documentation.

Michael Scott appeared before the board regarding his a positive response on his pharmacy technician application. A motion was made and seconded to table the application requesting an addictionology report.

**Landis/Wall**

**Motion carried 6/0/0**

Tiandrya Watkins appeared before the board regarding her pharmacy technician renewal application. A motion was made and seconded to renew the applicant a pharmacy technician certification and for applicant to submit documentation regarding the disposition of her criminal matter.

**Landis/St. Angelo**

**Motion carried 5/0/1 (Cover abstained)**

Patterson Logistics Services Inc representatives appeared before the board regarding positive responses on its wholesale drug distributor renewal application. A motion was made and seconded to approve the renewal of the applicant.

**Wall/St. Angelo**

**Motion carried 6/0/0**

Donna Geshwilm, in her capacity as the qualifying pharmacist for Rickey Murff, appeared before the board regarding the diversion of controlled substances by pharmacy technician Rickey Murff.

Bill Cover and Medco representatives met regarding Medco's mail order transferring service.

**ORAL ARGUMENTS HELD IN THE FOLLOWING MATTERS:**

*Bill Cover recused himself from all oral arguments in the following matters.*

*Oral arguments began at 11:12 a.m. with fifteen (15) minutes allotted to each party.*

**In the Matter of the Indiana License of Walgreen Co.**

License No. 60004447A

Administrative Cause No. 2007 IBP 0034

Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana Pharmacist License of Todd David Chappell.**

License No. 26018565A

Administrative Cause No. 2007 IBP 0035

Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana License of Walgreen Co.**

License No. 60004462A

Administrative Cause No. 2007 IBP 0036

Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana Pharmacist License of Frank Coleman**

License No. 26018073A

Administrative Cause No. 2007 IBP 0037

Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana License of Walgreen Co.**

License No. 60004413A

Administrative Cause No. 2007 IBP 0038

Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana Pharmacist License of John Steven Miller III**

License No. 26021187A

Administrative Cause No. 2007 IBP 0039

Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana License of Walgreen Co.**

License No. 60004410A  
Administrative Cause No. 2007 IBP 0046  
Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana Pharmacist License of Troy Michael Martin**

License No. 26017299A  
Administrative Cause No. 2007 IBP 0047  
Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana License of Walgreen Co.**

License No. 60004385A  
Administrative Cause No. 2007 IBP 0052  
Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana Pharmacist License of Steven Weileman**

License No. 26016427A  
Administrative Cause No. 2007 IBP 0053  
Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana License of Walgreen Co.**

License No. 60004083A  
Administrative Cause No. 2007 IBP 0058  
Re: Motion to Deem Matters Admitted and Motion to Compel

**In the Matter of the Indiana Pharmacist License of Curtis A. Stratman**

License No. 26015247A  
Administrative Cause No. 2007 IBP 0059  
Re: Motion to Deem Matters Admitted and Motion to Compel

A motion was made and seconded to deny all Motions to Deem Evidence Admitted and to deny all Motions to Compel for the above argued matters with the Order that the Office of the Attorney General provide a privilege log as to any information not produced under an objection of attorney work product on or before November 17, 2008.

**St. Angelo/Williams**

**Motion carried 5/0/0**

**In the Matter of the Pharmacist Renewal Application of James McManus**

License No. 26015625A  
Administrative Cause No. 2008 IBP 0041  
Re: Appeal of Denial of Renewal Application

**Parties and Counsel Present:**

Mark Mader, DAG  
Don James, Respondent's counsel  
James McManus, Applicant

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Cover  
Landis  
Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

Applicant petitioned the Board to review its decision to deny his renewal application.

**Board Action:**

A motion was made and seconded to continue the hearing.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to grant Applicant's petition to withdraw their petition for review.

**Landis/Fanning**

**Motion carried 6/0/0**

Philip James Faroh reappeared before the board regarding the transfer of his pharmacist license. A motion was made and seconded to issue a probationary license to the applicant for a period of two (2) years including additional terms.

**Fanning/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of D. Neil Kassan**

License No. 26018133A

Administrative Cause No. 2008 IBP 0050

Re: Final Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed against the Respondent's pharmacist license.

**Board Action:**

A motion was made and seconded issue a notice of proposed default.

**Wall/Landis**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Chad Stroud**

License No. 26020137A

Administrative Cause No. 2008 IBP 0060

Re: Petition for Summary Suspension

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Cover  
Landis  
Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The State of Indiana filed a petition to summarily suspend Respondent's pharmacist license for ninety (90) days.

**Board Action:**

A motion was made and seconded to accept the voluntary indefinite summary suspension.

**Fanning/St. Angelo**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacist License of Mark Lawson**

License No. 26014783A  
Administrative Cause No. 2008 IBP 0012  
Re: Default Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning  
St. Angelo  
Williams  
Cover  
Landis  
Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

Carl Erdmann

**Case Summary:**

Board issued a notice of proposed default following Respondent's failure to appear at his final hearing.

**Board Action:**

A motion was made and seconded to default the Respondent.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to suspend the Respondent's license indefinitely.

**St. Angelo/Fanning**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Kimberly Stokes**

Certification No. 67010594A

Administrative Cause No. 2008 IBP 0019

Re: Final Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Landis

Wall

Cover

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed against the Respondent's technician certification.

**Board Action:**

A motion was made and seconded to issue a notice of proposed default.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

**Wall/Landis**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Selina King**

Certification No. 67011337A

Administrative Cause No. 2008 IBP 0014

Re: Final Hearing

**Parties and Counsel Present:**

Mark Mader, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

A Complaint was filed against the Respondent's technician certification.

**Board Action:**

A motion was made and seconded to issue a notice of proposed default.

**Fanning/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

**St. Angelo/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Steven Chad Thomas**

Certification No. 67003001A

Administrative Cause No. 2004 IBP 0027

Re: Default Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

Board issued a notice of proposed default following Respondent's failure to appear at his final hearing.

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to revoke the Respondent's certification.

**St. Angelo/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Kathy Uebel**

Certification No. 67000814A

Administrative Cause No. 2007 IBP 0011

Re: Default Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

Board issued a notice of proposed default following Respondent's failure to appear at her final hearing.

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**St. Angelo/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to revoke the Respondent's certification.

**St. Angelo/Wall**

**Motion carried 6/0/0**

**In the Matter of the Indiana Pharmacy Technician Certification of Kathy Jones**

Certification No. 67010096A

Administrative Cause No. 2008 IBP 0015

Re: Default Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

St. Angelo

Williams

Cover

Landis

Wall

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**



Board issued a notice of proposed default following Respondent's failure to appear at his final hearing.

**Board Action:**

A motion was made and seconded to hold the Respondent in default.

**St. Angelo/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to revoke the Respondent's certification.

**St. Angelo/Wall**

**Motion carried 6/0/0**

Medco representative Rod Presnell appeared before the board regarding Medco's mail order transferring service. A motion was made and seconded to approve the transaction requested.

**Wall//St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the pharmacist intern application for Ann Marie Shively.

**Wall/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to approve the license pharmacist license transfer of Kerry Batten.

**Williams/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded approve the following renewal applications:

AmerisourceBergen Drug Corporation—WDD Positive Response  
DIT Healthcare Distribution, Inc.—WDD Positive Response

**St. Angelo/Landis**

**Motion carried 5/0/1 (Wall abstained)**

A motion was made and seconded to approve the following continuing education hours:

Robert Ferendo	(18)
Michelle Wannemuehler	(1)
St. Joseph County Pharmacy Assoc	(2-1hr)
Brianna Martin	(8)
Ann Yates	(4-1hr)

**Landis/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following continuing education hours for Parkview Pharmacy as estimated by the following:

Jamie Lyberg	(2-0.5hr)
Meredith Harper	(0.5)
Viktorija Trakis	(3-0.5hr)

**Landis/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to request a personal appearance for Christopher Curry regarding his pharmacy technician application.

**Fanning/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following pharmacy technician applications:

Samuel Ballou  
Tabitha Booth  
Stacy Dean  
William DePaepe  
Carolyn Helderman  
Patricia Jagers  
Kyle Lambert  
Robert Ransdell

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following requests for waiver:

Adam M. Powell  
Miranda Arthur  
Allegra Mitchell  
Daniel Kurtz

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve Jeff George's request for waiver pending the receipt of his high school transcript.

**Fanning/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following requests for extensions of technician-in-training certifications:

Terry Battles  
Elizabeth Herbert  
Brooke Spicer  
Nicole Julian

**Fanning/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Gilbert Chavarria

Barbara Chew  
Gregory Dodds  
Tina King  
Ronald Maze  
Elaine Mittlekamp  
Kevin Querry  
Lon Seebach  
John Utz

**Williams/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft  
Robert Jaberg  
Joseph Mathys  
Jamie Six  
Stephen Szalweski  
Stephanie Voight

**Landis/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Shelley Brown  
Tracy Davis  
Traci Holling  
Tony Jacobs  
Tomas MacLean  
Deidra Potts  
Linda Rodeman  
James Sagstetter  
Nick Peters

**Fanning/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following probationary appearances:

Adam Wheeler  
Thomas Goodge

**Wall/St. Angelo**

**Motion carried 6/0/0**

The following did not appear for their probationary appearance:

Nicole Grafe  
Teresa Moore  
Britney Palmer  
Donnielle Shead  
Kristina Stewart  
Samuel Young

Board Director's Report

Adoption of Recalled Rule: LSA Document #07-541, Pharmacist Vaccinations Administered Via Protocol Authority

A motion was made and seconded to adopt Rule LSA #07-541.

**Wall/St. Angelo**

**Motion carried 6/0/0**

The meeting adjourned at 3:53 p.m.

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**William Cover, R.Ph., President**  
**Indiana Board of Pharmacy**

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**Date**

**Next Scheduled Meeting:**

Monday, December 8, 2008  
Indiana Government Center South  
Room W064